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No. 212

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1946

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY, Debtor, *Petitioner*,

VS.

CENTRAL HANOVER BANK AND TRUST COMPANY and DANIEL K. CATLIN, Trustees under the Prior Lien Mortgage of St. Louis-San Francisco Railway Company; THE CHASE NATIONAL BANK OF THE CITY OF NEW YORK and JOHN A. AID, Trustees under the Consolidated Mortgage of St. Louis-San Francisco Railway Company; BANKERS TRUST COMPANY and WALTER W. SMITH, Trustees under the Refunding Mortgage of The Kansas City, Fort Scott and Memphis Railway Company; OLD COLONY TRUST COMPANY, Trustee under the General Mortgage of Kansas City, Memphis and Birmingham Railroad Company; JOHN W. STEDMAN, WALTER H. BENNETT, FRED P. HAYWARD and IRVIN L. PORTER as St. Louis-San Francisco Railway Company Prior Lien Bondholders' Committee; FREDERIC H. ECKER, BERTRAM CUTLER, WILLIAM L. DEBOST and PIERPONT V. DAVIS, as Consolidated Mortgage Bondholders' Committee; JAMES H. BREWSTER, JR., SAMUEL S. HALL, JR., and J. F. B. MITCHELL, as The Kansas City, Fort Scott and Memphis Railway Company Refunding Mortgage Bondholders' Committee; and JOHN W. STEDMAN, JAMES H. BREWSTER, JR., FREDERIC W. ECKER and RICHARD J. LOCKWOOD, as REORGANIZATION MANAGERS,

Respondents.

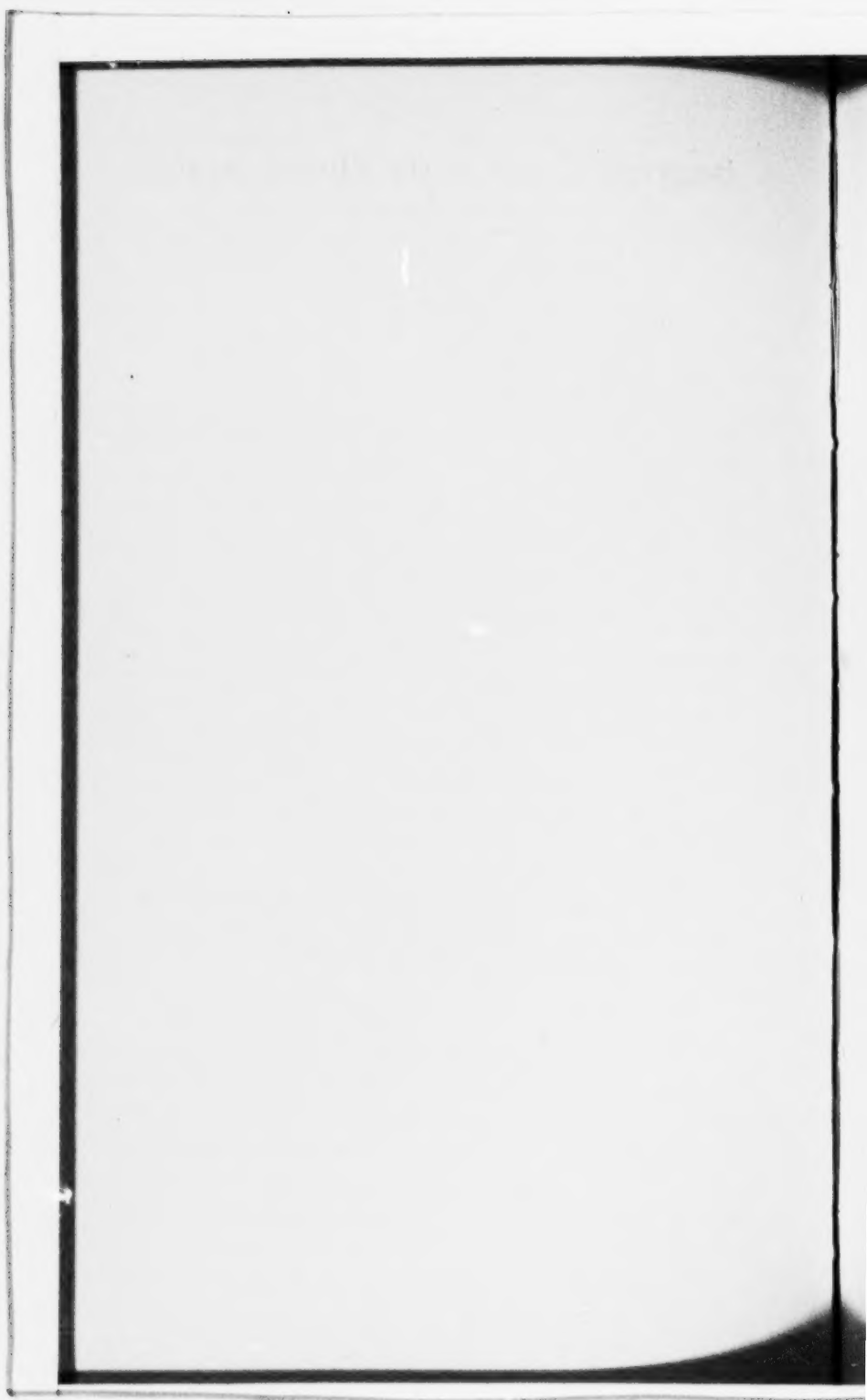
PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

WILLIAM V. HODGES,
947 Equitable Bldg.,
Denver 2, Colorado.

DANIEL BARTLETT,
506 Olive Street,
St. Louis, Missouri.

*Attorneys for St. Louis-San Francisco
Railway Company, Debtor.*

July 14, 1947.



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Respondents.

**PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE EIGHTH CIRCUIT.**

(No. 13545 in that Court.)

St. Louis-San Francisco Railway Company, Debtor, prays that a writ of certiorari issue to review the decree of the United States Circuit Court of Appeals of the Eighth Circuit entered on the 16th day of April, 1947, dismissing the appeal of the petitioner from an Order of the District Court of the United States for the Eastern District of Missouri discharging the Trustee in the proceedings for reorganization in said cause (No. 13545 in the C. C. A.).

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The questions which the Circuit Court of Appeals refused to review are of general concern in railroad reorganizations under Section 77. We ask that the Circuit Court of Appeals be required to review them, or, in the alternative, that the Supreme Court take and review the record.

Section 77(f) designates the order discharging the Trustee as the "final decree". (See also General Orders in Bankruptcy XLIX, §2(v).) Such an order was entered subsequently to the "Order of Consummation and Final Decree". The last mentioned Order was appealed to the Circuit Court of Appeals and that appeal involves all substantial questions. The appeal from the Order discharging the Trustee was taken to avoid the contention that failure to appeal from the final decree waived all previous errors.

The appellees below filed motions to docket and dismiss directed respectively to both appeals. The motions were heard at the same time on one argument. Orders were entered on April 16, 1947, dismissing both appeals.

Concurrently herewith a petition for certiorari directed to the dismissal of the appeal from the Order of Consummation and Final Decree and also the Final Decree is being filed by petitioner and in that petition all matters in support of petitioner's plea are set forth.

Petitioner prays that both petitions be consolidated and heard on the petition for certiorari directed to both Orders.

Respectfully submitted,

WILLIAM V. HODGES,
947 Equitable Building,
Denver 2, Colorado.

DANIEL BARTLETT,
506 Olive Street,
St. Louis, Missouri.
Attorneys for St. Louis-San Francisco
Railway Company, Debtor.